

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DR. PAUL M. CONTI,

*Plaintiff-Counterclaim Defendant,*

Case No. 17-CV-9268 (VEC)

– against –

JOHN DOE,

*Defendant-Counterclaim Plaintiff.*

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**DECLARATION OF G. WILLIAM BARTHOLOMEW**

**G. WILLIAM BARTHOLOMEW**, hereby declares under penalty of perjury:

1. I am associated with the law firm of Judd Burstein, P.C. (“JBPC”), attorneys for Plaintiff-Counterclaim Defendant Dr. Paul M. Conti (“Plaintiff” or “Dr. Conti”) in the above-captioned action.

2. I respectfully submit this Declaration in opposition to the Motion filed by Defendant-Counterclaim Plaintiff John Doe (“Defendant” or “Doe”) for an Order pursuant to Rule 702 of the Federal Rules of Evidence precluding Dr. Conti from offering at trial anticipated expert rebuttal testimony of Dr. Donald Meyer (“Dr. Meyer”) only to the extent that Dr. Meyer would offer the following three opinions: (1) that Dr. Conti’s disclosures of purportedly confidential patient information in his pleadings in this case were permissible because it is the type of information that the Court would want to know or find helpful; (2) that psychiatrists should respond differently to patient behavior depending on whether it is illegal; and (3) that Dr. Conti consulted with his counsel in this case before disclosing Doe’s purportedly confidential information (“Doe’s Motion”).

3. The purpose of this Declaration is to submit relevant exhibits to the Court.

4. Annexed hereto as Exhibit A are relevant excerpts of the transcript of Dr. Paul S. Appelbaum's deposition, held January 21, 2020.

5. Annexed hereto as Exhibit B are relevant excerpts of the transcript of Dr. Conti's deposition, held June 12, 2019, in which I have replaced references to Defendant's real name with the name "John Doe".

6. Annexed hereto as Exhibit C are relevant excerpts of the transcript of Dr. Donald Meyer's deposition, held December 2, 2019, in which I have replaced a reference to Defendant's real name with the name "John Doe".

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 17, 2020, in the Commonwealth of Pennsylvania, County of Lancaster.

/s/ G. William Bartholomew  
G. WILLIAM BARTHOLOMEW